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July 18, 2022

VIA ECF

The Honorable Lorna G. Schofield
U.S. District Judge
U.S. District Court for the Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Compass, Inc. and Compass RE NY, LLC v. Real Estate Board of New York, Inc., No. 1:21-cv-02195 – Joint Status Letter

Dear Judge Schofield:

Plaintiffs Compass, Inc. and Compass RE NY, LLC (collectively, “Compass”), jointly with Defendant Real Estate Board of New York, Inc. (“REBNY”) (with Compass, the “Parties”) respectfully submit this joint status letter pursuant to the Court’s Order dated April 18, 2022 (ECF No. 39).

I. Procedural History of Case

Pleadings Filed to Date. Compass filed its Complaint on March 12, 2021 (ECF No. 1). REBNY filed its Answer on May 5, 2022 (ECF No. 43).

Motions Filed to Date. REBNY filed its Motion to Dismiss the Complaint on May 18, 2021 (ECF Nos. 13-15). Compass filed its Memorandum of Law in Opposition to Defendant’s Motion to Dismiss on July 2, 2021 (ECF No. 25), and REBNY filed its Memorandum of Law in Further Support of its Motion to Dismiss the Complaint on July 30, 2021 (ECF No. 29). On March 31, 2022, the Honorable Alison J. Nathan denied REBNY’s motion to dismiss as to Compass’s antitrust claims, but granted REBNY’s motion to dismiss as to Compass’s tortious interference claims (ECF No. 32).

On April 14, 2022, REBNY filed a Motion for Partial Reconsideration or Reargument Under Local Rule 6.3 of the Court’s March 31, 2022 Order, specifically the portion of the Order denying REBNY’s motion to dismiss Compass’s antitrust claims (ECF Nos. 36-37). Compass filed its Memorandum in Opposition to Defendant Real Estate Board of New York, Inc.’s Motion for Partial Reconsideration or Reargument Under Local Rule 6.3 on April 28, 2022 (ECF No. 40). The motion is fully briefed and is pending before this Court.

II. Status of Discovery

Protocols. The Court approved the Parties’ Protective Order and Protocol for the Production of Documents and Electronically Stored Information on June 23, 2022. (Dkts. Nos. 47-48).



Discovery Requests. On June 17, 2022, Compass served its Responses and Objections to Defendant REBNY's First Set of Requests for Production of Documents. As noted in the Parties' previous status letter, REBNY served its Responses and Objections to Plaintiffs' First Set of Requests for Production on June 8, 2022. The Parties are engaged in meet and confers to resolve their respective objections. Neither Compass nor REBNY have produced any documents as of the date of this joint status report.

NRT New York LLC d/b/a The Corcoran Group ("Corcoran") served its responses and objections to Compass's subpoena for the production of documents and to provide corporate deposition testimony on June 23, 2022. Douglas Elliman served its responses and objections to Compass's subpoena for the production of documents and to provide corporate deposition testimony on June 27, 2022. Compass is engaged in meet and confers with Corcoran and Douglas Elliman to attempt to resolve their objections. Neither Corcoran nor Douglas Elliman have produced any documents as of the date of this joint status report.

Plans to Meet Court Ordered Discovery Deadlines. The parties are working diligently to meet the Court's ordered discovery deadlines and are actively engaged in meet-and-confers on the scope of discovery.

Please let us know if there is any additional information the Parties could provide that would be helpful to the Court.

Respectfully submitted,

/s/ Chahira Solh
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